

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETE TOPLEAN,

Plaintiff,

v.

WILLIAM W. KIRBY,

Defendant.

No. 2:23-cv-00510-DJC-AC

ORDER

Plaintiff, a non-prisoner litigant proceeding in forma pauperis, filed a petition for writ of habeas corpus appealing a judgment of the Superior Court for the County of Placer in a civil matter regarding the sale of Plaintiff's property to Defendant William Kirby. (ECF No. 1.) Judgment was entered in this action on June 20, 2023. (ECF No. 9.) On June 30, 2023, Plaintiff filed a notice of appeal. (ECF No. 10.) The Ninth Circuit Court of Appeals referred this matter back to this Court for the limited purpose of determining whether in forma pauperis status should continue on appeal or whether the appeal is frivolous or taken in bad faith. (ECF No. 13.)

The Federal Rules of Appellate Procedure provide as follows:

[A] party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not

1 taken in good faith or shall find that the party is otherwise not  
2 entitled so to proceed . . . .

3 Fed. R. App. P. 24(a). After review of the record herein, the Court finds that Plaintiff's  
4 appeal is not taken in good faith.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's in forma pauperis status is  
6 revoked. See Fed. R. App. P. 24(a).

7 IT IS SO ORDERED.

8 Dated: July 20, 2023

  
9 Hon. Daniel J. Calabretta  
10 UNITED STATES DISTRICT JUDGE  
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